

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PETROCHOICE HOLDINGS, INC. <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">- against -</div> FRANCIS S. OROBONO, JR., <div style="text-align: center;">Defendant.</div>	X : : : : : : X	<div style="text-align: center;"><u>CIVIL ACTION</u></div> <div style="text-align: center;">No. 19-6152-JMG</div>
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JOINT STIPULATION

This Joint Stipulation is made by and between Plaintiff PetroChoice Holdings, Inc. (“Plaintiffs”) and Defendant Francis S. Orobono, Jr. (“Defendant”) (collectively “the Parties”), by and through their counsel, with reference to the following:

1. Plaintiff filed suit against Defendant on December 27, 2019 (the “Complaint”). Count III of the Complaint is for Violation of the Computer Fraud and Abuse Act, 18 U.S.C. § 1030, *et seq.* (the “CFAA”).
2. On February 10, 2020, Defendant filed a Partial Motion to Dismiss Counts III, VII, VIII, and IX. The motion is fully briefed.
3. The Parties have agreed that Plaintiff will dismiss, without prejudice, the Count III CFAA claim in exchange for Defendant withdrawing, without prejudice, the entirety of his Partial Motion to Dismiss.
4. THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the Court’s approval, that Plaintiff will voluntarily dismiss, without prejudice, Count III of its

Complaint and Defendant will withdraw in its entirety its Partial Motion to Dismiss, without prejudice.

IT IS SO STIPULATED.

Dated this 2nd day of June, 2020.

Respectfully Submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

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ORDER APPROVING STIPULATION TO REMAND

WHEREAS, on June 2nd, 2020, Plaintiff and Defendant in the above-captioned action filed a Joint Stipulation. The Court having reviewed the Joint Stipulation and for good cause appearing, Orders as follows:

1. The Parties' Joint Stipulation is approved;
2. Plaintiff will voluntarily dismiss, without prejudice, Count III of its Complaint and Defendant will withdraw in its entirety its Partial Motion to Dismiss, without prejudice.

IT IS SO ORDERED.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER, U.S.D.J.

Dated: August 6, 2020